

REMARKS

This is a request for continued examination (RCE). This RCE includes a response that is a full and complete response to the Final Office Action, dated June 9, 2010.

In the aforementioned Office Action, the Examiner noted that claims 1-21 are pending, that claims 1-7 and 9-21 stand rejected under 35 U.S.C. §102(b) as anticipated by Henrion (U.S. Patent 5,461,615), and that claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Assignee has amended claims 1, 2, and 4-20 and cancelled claims 3 and 21 without prejudice. Support for claim amendments may be found in the Specification at least at FIG. 4 and page 8, line 9 through page 9, line 28, for example. Accordingly, such amendments include no new matter.

In view of both the amendments presented above and the following remarks, it is submitted that the claims pending in the application are novel and nonobvious. It is believed that this application is in condition for allowance. By this response, reconsideration of the present application is respectfully requested.

Allowable Subject Matter

Assignee thanks the Examiner for noting allowability of claim 8. However, Assignee points out that this claim merely sets forth examples of allowable subject matter and that other claims supported by the disclosure of this application, including the remaining pending claims, are also allowable.

Nonetheless, claim 8 has been amended to include features and limitations of its base claim 1. Accordingly, it is requested that the Examiner allow claim 8.

35 U.S.C. § 102(b) Rejection

Claims 1-7 and 9-21 stand rejected under 35 U.S.C. §102(b) as anticipated by Henrion (U.S. Patent 5,461,615). This rejection is respectfully traversed.

To anticipate a claim under §102, the applied document must teach each and every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” [MPEP §2131.01] Henrion does not teach each and every element of the rejected claims.

Claim 1, as amended, for example, recites:

A method for assigning an address to a node in a network having an arbitrary topology, the method comprising:

assigning a first address to a first node such that the first address includes a description of a path to the first node;

assigning a second address to the first node such that the second address includes a description of another path to the first node; and

establishing a mapping between a plurality of output ports in the network and bits in the first or second address such that a packet, directed to the first node, at a second node in the network is forwarded via an output port on the second node in the network, in response to a specified bit in the first or second address having a specified value.

While Henrion may show routing a data packet (or cell) along a single network path described by an internal routing label or address of a node, Assignee submits that Henrion is limited to a single, unique address for each node. For example, referring to FIG. 2 of Henrion, if a data cell entering network SN1 at input IP1 is addressed to node OP2048, then the data cell will apparently travel a particular path to node OP2048. Because Henrion does not teach a network node having more than one address to describe the node's location, any data cell addressed to node OP2048 and starting at input IP1, for example, will apparently travel the same particular path. In other words, Henrion's network nodes are limited to being assigned a single address to describe a single particular path from a beginning node.

Accordingly, Henrion fails to teach assigning a first address to a first node such that the first address includes a description of a path to the first node, *and assigning a second address to the first node* such that the second address includes a description of another path to the first node, as set forth in claim 1, as amended. Therefore, since Henrion does not teach or suggest each and every limitation of claim 1, as amended, Assignee requests withdrawal of the rejection of this claim under 35 USC 102(b). It is respectfully asserted that claim 1, as amended, covers patentable subject matter. Favorable action in this regard is respectfully requested.

Claims 2, and 4-7, depend from claim 1 and include all of the limitations of claim 1. It is therefore respectfully asserted that these claims also patentably distinguish from Henrion on at least the same basis as claim 1. Therefore, it is also respectfully asserted that these claims cover patentable subject matter and favorable action in this regard is also respectfully requested.

The remaining independent claims, 9, 11, 15, and 19, although not identical in scope with claim 1, as amended, are believed to patentably distinguish from Henrion on at least a similar basis as claim 1. Accordingly, Assignee respectfully requests withdrawal of the rejection of these claims and early allowance. Assignee respectfully also submits that claims 10, 12-14, 16-18, and 20 patentably distinguish over Henrion on at least the same basis as the independent claims from which they respectively depend. Accordingly, Assignee respectfully requests withdrawal of the rejection of dependent claims 10, 12-14, 16-18, and 20 under 35 U.S.C. § 102(b) and early allowance as well.

It is noted that claimed subject matter may be patentably distinguished from the applied document for additional reasons; however, the foregoing is believed to be sufficient to overcome the Examiner's rejections discussed above.

Further, it is noted that the Assignee's failure to comment directly upon any positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions. Rather, it is believed that the foregoing remarks render moot positions not commented upon directly. Likewise, the pending claims have been amended to expedite prosecution and Assignee does not concede that the claim amendments are necessary for patentability. Accordingly, Assignee reserves the right to pursue additional claims that may be broader in scope than the pending claims in a filing that claims priority to this patent application.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application, as amended, are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Brian D. Wichner at (503) 439-6500 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 50-3130.

Respectfully submitted,

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